IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20617 OF 2005

Date: 28.09.2005

BETWEEN:

Iragavarapu S.V. Narasimhacharyulu

.... PETITIONER

Vs.

1. Mandal Revenue Officer, Paravada Mandal, Visakhapatnam District, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20617 OF 2005

ORDER:

The petitioner is son of one I. Venkata Narasimhacharyulu. His father claimed ryothwary patta under Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwary) Act, 1948 (for short 'the Act') in respect of land admeasuring Acs.99.00 in S.No.25 of Jagannadhapuram village. After conducting enquiry in 1964, the Settlement Officer granted ryotwary patta for Acs.70.00 but did not grant patta for the balance area. It appears, in 1975 the Tahsildar, Anakapalli has issued D. Form Pattas to five persons admeasuring Acs.5.00 to each person in S.No.25 of Jagannadhapuram village. Be that as it is, the petitioner herein filed a claim for ryotwary patta in respect of balance of land Acs.29 in S.No.25. Whereupon in accordance with the Board Standing Orders 34(d), the first respondent by proceedings dated 29.7.1991 granted ryotwary patta. The same could not be implemented during these a decade and half. Therefore, the present writ petition is filed for implementation of the said order.

It is well settled that a ryotwary patta or the occupancy certificate issued under

Inams Abolition Act cannot be implemented under a writ petition. Be that as it is, after getting instructions in the matter, the learned Assistant Government Pleader for Revenue (General) submits that there were two suits being O.S.Nos.258 of 1991 and 259 of 1991 on the file of the Court of the Principal District Munsif, Anakapalli and therefore, the proceedings of the Mandal Revenue Officer could not be implemented. He also submits that as and when the litigation is given quietus, the request of the petitioner can be considered. Therefore giving liberty to the petitioner to approach the Mandal Revenue Officer, the Writ Petition is disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

28th September, 2005

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